

REMARKS

This Amendment is submitted in response to an Office Action dated June 7, 2001 (the "Office Action"). The period for filing a response to the Office Action has been extended by a Petition filed concurrently herewith pursuant to 37 C.F.R. § 1.136(a). Thus, a response to the Office Action is due no later than October 9, 2001, and this Amendment is being timely filed. Applicants respectfully request reconsideration of the present application in light of the remarks that follow.

The Examiner has objected to claim 1, stating that the phrase "the second opening" lacks proper antecedent basis. Applicants' have amended claim 1 in response to that objection.

The Examiner has rejected claim 2 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,732,751 to Schmidt et al. Applicants respectfully traverse that rejection.

Schmidt et al. teaches using both the fluid inlet 28 and fill port 52 for discharging the reservoir 24 of air or other gas. As a preferred method of filling the reservoir 24, Schmidt et al. teaches coupling a nozzle assembly 200 to the fill port 52, and coupling a needle assembly 300 to the fluid outlet 28 (see, e.g., column 9, lines 32-45 and FIGS. 4-7). Both the nozzle assembly 200 and needle assembly 300 are connected to a vacuum source for evacuating the contents of the reservoir 24. Thus, ink is discharged from the reservoir using both the fluid inlet 28 and fill port 52. Ink may then be pumped into the reservoir 24 through the ink conduit branch 206 of the nozzle assembly 200. Thus, Schmidt et al. teaches discharging ink from the ink bag using both the fluid inlet 28 and fill port 52, and charging the ink bag through the fill port 52.

Applicants' invention, as recited by amended claim 2, recites a step of "discharging ink

from the ink bag only through said port”, where “said port” is the same port through which the ink bag is charged with a specified quantity of ink. Thus, applicants’ invention is directed to a method of refilling an ink bag wherein ink is discharged from and charged to the ink bag through the same port. That is neither taught nor suggested by Schmidt et al., whether considered alone or in any hypothetical combination with any prior art of record in the present application or with the knowledge of a person of ordinary skill in the art. In view of the amendment to claim 2, and the remarks provided above, applicants respectfully submit that the Examiner’s rejection of claim 2 under 35 U.S.C. §102(e) as anticipated by Schmidt et al. is no longer tenable, and respectfully request withdrawal of that rejection.

Claim 1 stands rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 4,928,126 to Asai in view of Schmidt et al. Applicants respectfully traverse that rejection.

Asai et al. is directed to an “ink container in which bubbles do not mix with ink and the contamination by the leakage of the ink does not occur during replacement of the ink container.” Column 1, lines 50-53. The invention of Asai et al. addresses the problems associated with removing and replacing ink containers from ink jet printers and the like. Prior to Asai et al., removal and replacement of an ink container resulted in the introduction of air bubbles into the container, thus contaminating the ink contained therein. See, e.g., column 1, lines 28-41. Thus, Asai et al. attempts to solve that problem. However, Asai et al. provides no disclosure or suggestion regarding refilling an ink bag (e.g., discharging and charging the ink bag). Applicant thus respectfully submits that there is no suggestion or motivation for a person of ordinary skill in the art to make the Examiner’s proposed combination of Asai et al. and Schmidt et al. Thus,

applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness with the proposed combination of Asai et al. and Schmidt et al. See, e.g., MPEP § 706.02(j).

In addition, applicant respectfully disagrees with the Examiner's statement that Asai et al. discloses "an ink bag (10) having a sealed first opening (10z) and a second opening (10x)." Reference numerals 10x, 10y and 10z are used by Asai et al. to designate three sides of a flexible ink bag. See, e.g., column 2, lines 21-26. Contrary to the Examiner's position, reference numerals 10z and 10x do not designate a first opening and a second opening. In fact, applicants respectfully submit that the ink bag of Asai et al. contains a single opening (not designated in the figures) through which an ink outlet pipe 11 passes. See, e.g., Fig 1A. Moreover, applicants respectfully submit that it is not possible to initially fill the ink bag of Asai et al. through a first opening, and recharge the ink bag through a second opening that is different from the first opening, as recited by applicants' claim 1. Thus, applicants respectfully submit that claim 1 is not unpatentable under 35 U.S.C. §103(a) over the Examiner's proposed combination of Asai et al. and Schmidt et al. Applicants respectfully request withdrawal of that rejection.

Moreover, applicants further respectfully submit that claim 1 is not rendered obvious in view of any hypothetical combination of prior art of record in the present application, or in view of any hypothetical combination of prior art and the knowledge of a person of ordinary skill in the art.

Applicants have reviewed and considered the other prior art references of record and consider those references to be no more relevant than those relied upon by the Examiner in

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rejecting the claims of the present application.

Page 7 of this Amendment, titled VERSION WITH MARKINGS TO SHOW CHANGES MADE, indicates the changes made to claims 1 and 2 in accordance with this amendment.

Applicants respectfully submit that the claims of the present application are patentably distinguishable over the cited prior art, whether considered alone or in any combination. Applicants further respectfully submit that all of the pending claims are now in condition for allowance, and such action is earnestly solicited. Reconsideration and allowance of the present application are hereby respectfully requested.

Any additional fees or charges required at this time and in connection with the present application may be charged to Patent and Trademark Office Deposit Account No. 19-4709.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 1 and 2 have been amended as follows:

1. A method of refilling an ink bag for use in an ink jet recorder, the ink bag being initially filled with ink through a first opening in the bag that is sealed after the ink bag is initially filled, said method comprising the steps of:

removing the ink bag from the ink jet recorder;

positioning the ink bag;

inserting an ink needle into a ~~separate~~second opening in the ink bag that is different than the first opening through which the ink bag is initially filled with ink;——

——~~discharging ink from the ink bag through the second opening;~~ and

charging the ink bag only through the second opening with a specified quantity of ink.

2. A method of refilling an ink bag for use in an ink jet recorder, comprising the steps of:

removing the ink bag from the ink jet recorder;

positioning the ink bag;

inserting an ink needle into a port of the ink bag;

discharging ink from the ink bag only through said port; and

charging the ink bag only through said port with a specified quantity of ink.